

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

YOVANNY PORTILLO, §
§
Plaintiff, § Civil No. 3:19-CV-01254-E
v. §
§
GIORNO TIENTCHEU and §
UBER TECHNOLOGIES INC., §
§
Defendants. §

MEMORANDUM OPINION AND ORDER

Before the Court is Defendant Uber Technologies Inc.'s Motion for Summary Judgment (Doc. 26). Plaintiff Yovanny Portillo sued Uber and Giorno Tientcheu alleging he was injured as a result of motor vehicle collision between his vehicle and one driven by Tientcheu. Plaintiff alleges Tientcheu was operating his vehicle in the course and scope of his employment with Uber and that Uber is vicariously liable for Tientcheu's negligence under the doctrine of respondeat superior. Plaintiff also contends Uber itself was negligent for various reasons.

Uber contends it is entitled to judgment as a matter of law on all of Plaintiff's claims. Uber asserts Tientcheu was an independent contractor, not an Uber employee, and that therefore it is not vicariously or directly liable to Plaintiff. Uber also asserts it did not own, rent, lease, control, or maintain any vehicle involved in the accident.

Plaintiff has filed a response in which he informs the Court he does not oppose Uber's motion (Doc. 32). In doing so, Plaintiff essentially concedes that Uber has met its summary judgment burden and that he cannot meet his burden to raise a genuine issue of fact. *See Little v. Liquid Air Corp.*, 37 F.3d 1069, 1075 (5th Cir. 1994); *see also Red River Aircraft Leasing, LLC v. Jetbrokers, Inc.*, No. 3:16-CV-3350-G, 2018 WL 2299054 (N.D. Tex. May 21, 2018) (granting summary judgment without addressing merits where plaintiff conceded summary judgment on claim was proper). Accordingly, the Court **GRANTS** Uber's Motion for Summary Judgment. Plaintiff's claims against Defendant Uber Technologies Inc. are **dismissed with prejudice**.

SO ORDERED.

Signed December 19, 2019.



ADA BROWN
UNITED STATES DISTRICT JUDGE